

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

ALLSTATE INSURANCE COMPANY;
ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY; ALLSTATE
PROPERTY AND CASUALTY
INSURANCE COMPANY; ESURANCE
INSURANCE COMPANY; and
ESURANCE PROPERTY AND
CASUALTY INSURANCE COMPANY,

Case No. 2:20-cv-12939-LVP-RSW

Hon. Linda V. Parker

Plaintiffs,

Mag. R. Steven Whalen

v.

411 HELP, LLC; 4 UR RECOVERY
THERAPY, LLC; A1 OCCUPATIONAL
THERAPY, LLC; GRAVITY IMAGING,
LLC; 4 TRANSPORT, INC.; NEW
HORIZON CHIROPRACTIC, PLLC;
SPINE & HEALTH, PLLC; FIRST
MEDICAL GROUP, PLLC; UNIQUE
LAB SOLUTIONS, LLC; 4 HEALTH
MANAGEMENT, LLC; VELOCITY
MRS – FUND IV, LLC; VELOCITY
MRS – FUND V, LLC; HMRF – FUND
III, LLC; NATIONAL HEALTH
FINANCE DM, LLC; HASSAN
FAYAD; MIRNA FAYAD; WILLIAM
GONTE, M.D.; GEOFFREYKEMOLI
SAGALA, D.C.; and ERNESTO
CARULLA, P.T.,

Defendants.

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs, Allstate Insurance Company, Allstate Fire and Casualty Insurance Company, Allstate Property and Casualty Insurance Company, Esurance Insurance Company, and Esurance Property and Casualty Insurance Company (collectively, “Plaintiffs” or “Allstate”), and Defendants, HMRF – Fund III, LLC (“Fund III”) and Velocity MRS – Fund IV, LLC (“Fund IV”), stipulate and agree as follows:

1. Allstate’s claims against Fund III in the above-captioned action, Allstate’s claims against Fund IV in the above-captioned action, and Fund IV’s counterclaims against Allstate in the above-captioned action, shall each be dismissed without prejudice. Allstate may not shift to Fund III and/or Fund IV any of Allstate’s attorneys’ fees and/or costs in the above-captioned action. Fund III and/or Fund IV may not shift to Allstate any of Fund III’s and/or Fund IV’s attorneys’ fees and/or costs in the above-captioned action.

2. Fund III and Fund IV each deny the allegations asserted against it/them in Allstate’s Complaint in the above-captioned action. Allstate denies the allegations asserted against it/them in Fund IV’s Counter-Complaint in the above-captioned action. This Stipulation is not, nor shall it be construed as, an admission of liability by Fund III, Fund IV or Allstate.

3. In light of the foregoing, Allstate’s motion to dismiss Fund IV’s Counter-Complaint (ECF No. 135) is hereby withdrawn.

STIPULATED AND AGREED TO THIS 25TH DAY OF JANUARY 2022:

<p><i>Allstate Insurance Company, Allstate Fire and Casualty Insurance Company, Allstate Property and Casualty Insurance Company, Esurance Insurance Company, and Esurance Property and Casualty Insurance Company,</i></p> <p>By their Attorneys,</p> <p><u>/s/ Jacquelyn A. McEttrick (with permission)</u> Richard D. King, Jr. rking@ktmpc.com Nathan A. Tilden (P76969) ntilden@ktmpc.com Jacquelyn A. McEttrick jmcettrick@ktmpc.com Andrew DeNinno adeninno@ktmpc.com KING, TILDEN, McETTRICK & BRINK 38777 Six Mile Road, Suite 314 Livonia, MI 48152</p> <p>350 Granite St., Suite 2204 Braintree, MA 02184 (617) 770-2214</p>	<p><i>HMRF – Fund III, LLC and Velocity MRS – Fund IV, LLC,</i></p> <p>By their Attorneys,</p> <p><u>/s/ David M. Honigman</u> David M. Honigman (P33146) dhonigman@manteselaw.com Kathryn Regan Eisenstein (P66371) keisenstein@manteselaw.com MANTESE HONIGMAN, P.C. 1361 E. Big Beaver Rd. Troy, MI 48303 (248) 457-9200</p>
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GONTE, M.D.; GEOFFREYKEMOLI
SAGALA, D.C.; and ERNESTO
CARULLA, P.T.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter having come before the Court upon stipulation of the parties, and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED that Allstate Insurance Company's, Allstate Fire and Casualty Insurance Company's, Allstate Property and Casualty Insurance Company's, Esurance Insurance Company's, and Esurance Property and Casualty Insurance Company's (collectively, "Allstate") claims against HMRF – Fund III, LLC ("Fund III") in the above-captioned action, Allstate's claims against Velocity MRS – Fund IV, LLC ("Fund IV") in the above-captioned action, and Fund IV's counterclaims against Allstate in the above-captioned action, are each dismissed without prejudice.

IT IS HEREBY ORDERED that Allstate may not shift to Fund III and/or Fund IV any of Allstate's attorneys' fees and/or costs in the above-captioned action.

IT IS HEREBY ORDERED that Fund III and/or Fund IV may not shift to Allstate any of Fund III's and/or Fund IV's attorneys' fees and/or costs in the above-captioned action.

IT IS HEREBY ORDERED that in light of the foregoing, Allstate's motion to dismiss the counterclaims by Fund IV (ECF No. 135) is hereby withdrawn.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 25, 2022